APPENDIX.

Summary Judgment.

Superior Court of the State of California for the County of Orange.

Lyman W. Ames and Mildred Yorba Serrano, as Administrators of the Estate of Teodocio Yorba, deceased, Plaintiffs, v. The Irvine Company, a corporation and John Doe I to XXX, inclusive, Defendants. No. 124432.

In this action the defendant, The Irvine Company, a corporation, having made its motion for an order for summary judgment and said motion having been granted by an order of this Court duly made on November 25, 1964.

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the claims of plaintiffs, as administrators of the Estate of Teodocio Yorba, deceased, and all who claim title under them as such administrators, in and to that certain real property situated in Orange County, California, hereinafter more particularly described, are without any right whatever; and said administrators and the estate of Teodocio Yorba, deceased, have no right, title, interest, claim, lien or estate whatsoever in or upon said property or any part thereof; and said Lyman W. Ames and Mildred Yorba Serrano, as such administrators, and all persons claiming under them, and the heirs of said decedent are hereby enjoined and debarred from claiming or assert-

ing any estate, right, title, interest in or claim or lien upon said real property or any part thereof, described as follows:

> All that tract of land situated in the County of Orange, State of California, as follows: The range of hills situated upon the slope of the Sierra known by the name of "Santiago", being bounded by the same upon the East by the Serrito de Las Ranas and the boundary of the San Joaquin upon the West, and by the Rancho del Toro upon the South; and being more particularly bounded and described as follows, to wit:

[For sake of brevity the lengthy legal description is omitted]

Dated: November 25, 1964.

Stephen K. Tamura
Judge of the Superior Court

Deed.

T. Yorba Et Ux
to
Wm. Wolfskill

THIS INDENTURE, made the Third day of December in the year of our Lord one thousand eight hundred and sixty, between Teodocio Yorba and Innocencia Reyes de Yorba his wife, parties of the first part and William Wolfskill party of the second part, Witnesseth that the said parties of the first part for and in consideration of the sum of Seven Thousand Dollars lawful money of the United States of America, to them in hand paid by the said party of the second part at or before the ensealing and delivery of these presents, the receipt whereof is hereby acknowledged, ha(ve) granted, bargained, sold, aliened, remised, released, conveyed and confirmed, and by these presents, do grant, bargain, sell, alien remise release convey and confirm unto the said party of the second part and to his heirs and assigns forever All That certain tract of land situated in the City and County of Los Angeles and State of California Known as the Rancho of Santiago, containing Four Leagues be the same more or less and bounder on the North by the Santa Ana River, East by the mountains South by the Rancho of Aliso and West by the Rancho of San Joaquin, reference being made to the original grant and to the decrees of confirmation in the United States District Court, for a more particular description, the quantity

given by the United States Court to be the quantity conveyed by this instrument; Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and the revision and revisions, remainder and remainders, rents, issues and profits thereof; And also all the estate right title interest, property, possession, claim and demand whatsoever, as well in law as in equity of the said part(y) of the first part of in or to the above described premises, and every part and parcel thereof with the appurtenances. TO HAVE AND TO HOLD, all and singular the above mentioned and described premises, together with the appurtenances unto the said party of the second part, his heirs and assigns forever. And the said Teodocio Yorba heirs the said premises, in the quiet and peaceable possession of the said party of the second part, his heirs and assigns, against the said parties of the first part, their heirs, and against all and every person and persons whomsoever lawfully claiming or to claim the same, shall and will Warrant and by these presents forever defend.

In Witness Whereof, The said parties of the first part have hereunto set hand and seals, the day and year first above written.

Teodocio his X mark Yorba (SEAL)

Inocencia Reyes his X mark de Yorba

Signed, sealed and delivered in presence of Agustin Olvera K. H. Dimmick

State of California, County of Los Angeles, ss. On this third day of December, A.D. One Thousand Eight hundred and sixty, before me Kimball H. Dimmick, a Notary Public in and for said County, personally appeared Teodocio Yorba and Inocencia Reyes de Yorba his wife, personally known to me to be the individuals described in and who executed the annexed Instrument as parties thereto and acknowledged to me that they executed the same freely and voluntarily, and for the uses and purposes therein mentioned. And the said Inocencia Reyes de Yorba wife of the said Teodocio Yorba having been by me first made acquainted with the contents of said Instrument, acknowledged to me in examination apart from and without the hearing of her husband, that she executed the same freely and voluntarily without fear or compulsion or undue influence of her husband, and she did not wish to retract the execution of the same.

In Witness Whereof I have hereunto set my hand and affixed my official seal the day and year in this Certificate first above written.

K. H. Dimmick
Notary Public

A full, true and correct copy of the original recorded this 4th day of December, A.D. 160 at 3 hrs. 20 mi. P.M. at request of Wm. Wolfskill.

John W. Shore, Co. Recorder
by O. Morgan, Dept.

United States Patent.

LOMAS de SANTIAGO

The United States of America

To all to whom these Presents shall come Greetings Whereas it appears from a duly authenticated transcript filed in the General Land Office of the United States that pursuant to the provisions of the Act of Congress approved the third day of March one thousand eight hundred and fifty one entitled "An Act to ascertain and settle the Private Land Claims in the State of California Theodocio Yorba, a claimant filed his petition on the 26th day of October 1852, with the commissioners to ascertain and settle the Private Land Claims in the State of California sitting as a Board in the City of Los Angeles in which petition he claimed the confirmation of his title to a tract land called Lomas de Santiago containing *four square leagues* more or less, situated in the County of Los Angeles and State aforesaid said claim being founded on a Mexican Grant to the petitioner made on the 26th day of May 1846 by Pio Pico then Constitutional Governor of the Department of the Californias, the lands so granted being described in said Grant, as follows The Range of hills situated upon the slope of the Sierra Known by the name of the Santiago being bounded by the same upon the East by the Serrito de Los Ranas and the boundary of San Joaquin upon the West, and by the Rancho del Toro upon the South" And whereas the Board of Land Commissioners aforesaid on the 15th day of August 1854 rendered a decree of confirmation in favor of the claimant which decree or decision having taken by appeal to the District Court of

the United States for the Southern District of California the said Court on the 11th day of December 1856, as appears from a duly authenticated transcript on file in the General Land office rendered its decree as follows:

Teodocio Yorba	Appellee	)
		) Case No. 186
adv.		) Lomas de Santiago
		) Transcript 421
The United States	Appellant	)

This cause coming on to be heard on appeal from the final decision of the United States Board of Land Commissioners to ascertain and settle the Private Land Claims in California under an Act of Congress approved March 3rd 1851, on a certified transcript of the proceedings and decision of said Board and of the papers and evidence upon which said decision was founded and it appearing to the Court that the said transcript and notice of appeal has been duly filed and counsel for the respective parties having been heard, It is ordered adjudged and decreed that the decision of the said Board of Commissioners be and the same hereby is affirmed and that the claim of the appellee is good and valid and that the same be and hereby is confirmed to him to the extent of *eleven square leagues* & no more within the boundaries specified in the grant or Titulo filed in this case reference being had to the expedi-into and map referred to in said Grant, and to the Act of Judicial possession filed in this case provided that if there be less than the quantity of eleven square leagues of land contained and included within the boundaries mentioned the confirmation is hereby made of such less quantity and whereas it fur-

ther appears from a certified transcript on file in the General Land Office that notice having been given by the Attorney General of the United States, that it was not the intention of the United States to prosecute the appeal of the Supreme Court in this, Therefore said District Court ordered that the order of this Court, heretofore made in this cause granting an appeal to the Supreme Court from the decree of Confirmation of this Court, be and hereby is vacated and that the claimant have leave to proceed under said decree as under a final decree And Whereas under the 13th Section of said Act of 3d March, 1851, and the Legislation supplemental thereto, there have been presented to the Commissioner of the General Land Office a plot and certificate of this survey of the tract of land confirmed as aforesaid authenticated on the 10th day of January 1867, by signature of the Surveyor General of the Public Lands in California which have been approved by the Commissioner of the General Land Office said plat and certificate being in the words and figures following to wit:

U. S. Survey or Generals Office
San Francisco, California

Under and by virtue of the provisions of the 13th Section of the Act of Congress of the 3d of March 1851, entitled an Act to ascertain and settle the private Land claims in the State of California and of the 12th Section of the Act of Congress approved on the 31st of August 1852, entitled an Act making approporations for the civil and Diplomatic expenses of the

Government for the year ending the 30th of June 1853 and for other purposes and Whereas the U.S. District Court, for the Southern District of California rendered a decision whereby it recognized and confirmed the title and claim of Teodocio Yorba to the tract of land designated as Lomas de Santiago and the Attorney General of the United States having given notice that no appear to the Supreme Court of the United States would be further prosecuted therein as appears by the certified copy of the final Decree of the District Court, a copy of which is hereunto annexed, the said tract of land was surveyed in conformity to the Grant thereof and the said decision and I hereby certify that the accompanying map is a true and accurate plat of the said tract of Land as appears by the field notes of the Survey thereof made by Henry Hancock Deputy Surveyor under the direction of this office which having been examined and approved remain of record in the said office and I do further certify that by virtue of the provisions of the Act of Congress approved July 1st 1864 respecting the survey and location of confirmed private land claims in California, a notice of said survey was published in accordance therewith in two Newspapers to wit: "The American Flag" a newspaper published in the City and County of San Francisco State of California the first publication being on the 29th day of September 1866 and the last on the 20th day of October 1856. Also in the Wilmington Journal a newspaper published in the County of Los Angeles, State aforesaid being a

newspaper published near to where the said land is located, the first publication being on the 20th day of October 1866 and the last on the 10th day of November 1866 and do further certify that the plat of said Survey was retained in this office subject to inspection during all of ninety days and until the expiration thereof from the date of the first publication, and that no protest against said Survey has been filed in this office up to the date of this certificate, and I do further certify that under and by virtue of the said Confirmation and other proceedings had in the matter, the said Teodocio Yorba is entitled to a Patent from the United States upon the presentation hereof to the General Land Office for the said tract of Land called Lomas de Santiago, the same being bounded and described as follows to wit:

[Due to length of legal description
it is omitted for sake of brevity]

Now know Ye that the United States of America in consideration of the premises and pursuant to the provisions of the Act of Congress aforesaid of 3d March 1851 and the legislation supplemental thereto have given and granted and by these presents do give and grant unto the said Teodocio Yorba and to his heirs the tract of Land embraced and described in the foregoing survey but with the stipulation that in virtue of the 15th section of the said Act confirmation of the said claim and this patent shall not affect the interests of third persons To Have and to Hold the said tract

with the appurtenances unto the said Toedocio Yorba and to his heirs and assigns forever with the Stipulation aforesaid.

In Testimony whereof I Andrew Johnson, President of the United States have caused these Letters to be made Patent and the seal of the General Land Office to be hereunto affixed

Given under my hand at the City of Washington this first day of February in the year of our Lord One thousand eight hundred and sixty-eight and of the Independence of the United States the ninety-second.

(SEAL)

By the President Andrew Johnson
By Frank Corvair Secretary

I. N. Granger Record of the General Land Office, Recorded. Vol. 6 pp 479 to 487.

A full true and correct copy of the original recorded at the request of Irvine Flint & Co. by A. Brunson, September 15th, A.D. 1874 at 30 minutes past 2 o'clock P.M.

J. W. Gillette Co. Recorder
By D. S. Lovejoy Deputy.

(LS)

In Witness Whereof I have hereunto sign my name and caused the Seal of the said Office to be afifxed at the City of San Francisco this 10th day of January A.D. 1867

L Upson
U.S. Surveyor General